

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., CYTEC
INDUSTRIES INC., FORD MOTOR
COMPANY, SPS TECHNOLOGIES, LLC
and TI GROUP AUTOMOTIVE SYSTEMS
L.L.C.,

Plaintiffs,

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

Civil Action No. 02-CV-3830 (LDD)

**PLAINTIFFS' OBJECTIONS TO
DEFENDANTS' TRIAL EXHIBITS**

On June 13, 2008, the parties met and conferred with respect to stipulations of fact and stipulations regarding the admissibility of exhibits. Plaintiffs will be separately filing with the Court the parties' stipulations of facts and admissibility of exhibits. With respect to exhibits whose admissibility the parties have not stipulated to, the parties agreed that we cannot know the purpose for which a particular party intends to use these particular exhibits at trial and/or the evidentiary foundation a party intends to offer for a particular exhibit until the time of trial. Accordingly, the parties agreed to raise objections to the exhibits contained in each party's respective exhibit lists on the basis of authenticity only and to preserve all other objections for trial. Further, the parties expect to come to an agreement on the amounts of waste hauled by DeRewal Chemical Company from the settled parties imminently. However, to the extent that such an agreement is not reached, the parties reserve their rights to object to any exhibits relating to the settled parties on all bases at trial. Accordingly, Plaintiffs object to the following documents contained on the respective Defendants' exhibit lists on the basis that the documents may not be authentic:

Handy & Harman Tube Company, Inc.

HH-94	DeRewal Chemical Co., 1973b. Proposal to SPS for service, invoice from SPS to DeRewal, handwritten notes. 1972/1973. (BSAI016593-BSAI016595)
HH-115	DeRewal, M. 1973b, Letter from DeRewal to SPS, SPS Amendment to Purchase Order to DeRewal Chemical, handwritten notes, 1972/1973
HH-147	Meeting notes, 1988a. Handwritten Notes / DQO Removal Level. October 25, 1988. (PHKS2154-PHKS2156)
HH-148	Meeting notes, 1988b. Handwritten Notes Re: Boarhead notes sampling plan. October 18, 1988. (PHKS2157-PHKS2160)
HH-149	Meeting notes, 1988c. Boarhead Sampling Notes. September 30, 1988. (PHKS2163-PHKS2165)
HH-150	Meeting notes, 1988d. Meeting w/ Steve Javela / Potential removal candidates. August 15, 1988. (PHKS2166-PHKS2164)
HH-151	Meeting notes, 1988e. Meeting with the Bucks focus on residential sampling / handwritten notes. September 13, 1988. (PHKS2168-PHKS2175)
HH-152	Meeting Notes, 1988f. Meeting notes and attached documents. July 19, 1988. (PHKS2176-PHKS2177)
HH-153	Meeting Notes, 1996. Meeting notes Re: Boarhead Farms RI/FS. February 29, 1996. PHKS1702-1703
HH-205	Western Electric, 1970. Contracts and purchase price negotiations via letters for Echo to purchase Western Electric's waste products and haul off in tank trucks. 1960's and 1970's. (BSAI011485-BSAI011558)

Carpenter Technology Corporation

11. Undated handwritten note with phone number of DeRewal and address of Sylvan Chemical Co.

NRM Investment Company

10. Joseph J. Hochreiter, Jr. expert report, its appendices, and the documents he considered as listed in Part 6 of his report, exclusive of any unauthenticated Jonas records.¹

¹ Plaintiffs are not able to determine from the description of this exhibit which documents are intended to be included in this exhibit and, consequently, whether any of these documents may not be authentic. No documents were provided to Plaintiffs as NRM Exhibit 10. Therefore, Plaintiffs specifically reserve their rights to object to any documents that are not properly identified in NRM's exhibit list or that were not provided to Plaintiffs.

Dated: June 18, 2008

Respectfully submitted,

Ballard Spahr Andrews & Ingersoll, LLP

By: 

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Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

DAWN M. NEUKIRCH, of full age, certifies as follows:

1. I am employed by the law firm of Ballard Spahr Andrews & Ingersoll, LLP, as a legal secretary.

2. On this date, I caused one copy of Plaintiffs' Objections to Defendants' Trial Exhibits and Certificate of Service to be served via electronic submission upon the following:

ALL DEFENDANTS ON ATTACHED SERVICE LIST

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dawn M. Neukirch /s/

Dated: June 18, 2008